

GENERAL ORDINANCE NO. G- 17-90

AN ORDINANCE amending Article
II. Chapter 6, Section 6-3 of
the City of Fort Wayne Code of
Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. That Article II. Chapter 6, Section 6-
3 of the City of Fort Wayne Code of Laws be amended as
follows:

Sec. 6-3. Duties and powers/director.

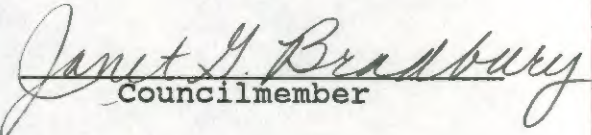
The duties and powers of the director are as follows:

- (1) To cause to be enforced all city ordinances and/or state laws regarding animal care and control.
- (2) To maintain and operate the department of animal control's shelter or shelters which have been designated for the humane sheltering or protection and disposition of animals coming into its custody.
- (3) To purchase all necessary materials for the proper and efficient performances of the services and work required of the shelter, consistent with the city's duly established purchasing procedures.
- (4) To cause to be picked up and transported to the department of animal control all unwanted animals, all animals illegally at large, and all sick, diseased, injured, lost, strayed, stolen or abandoned animals. Those animals whose owners request may be promptly euthanized at said shelter. In addition, any animal which appears to be ill and would pose a health hazard to other animals, or any animal which is injured so that it cannot rest comfortably for a minimum of three (3) working days may be destroyed immediately as so authorized by the shelter manager or his/her authorized agent. All other animals shall be kept at said shelter or place designated by said shelter for a period of not less than three (3) working days to afford owners the opportunity to claim the animal. After such period of time, unclaimed animals shall be placed in a suitable home, retained at said shelter or euthanized. animal released to said shelter by their owners, or impounded animals not claimed within the legal time become the property of said shelter and disposition may be made at said shelter's discretion.
- (5) To proceed upon public and private property within the City in pursuit of animals believed to be in violation of this chapter. However, this authority does not extend to a privately owned structure without the consent of the owner, lessee or other occupant in control of the premises, or

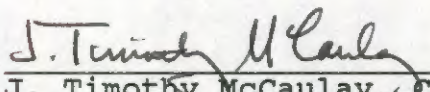
without other legal process or authority. Any animal pursued under this Section may be confiscated and held by the Department of Animal Control according to its rules and regulations. If an animal is confiscated without the knowledge or consent of the owner or occupant of the premises, a notice shall promptly be affixed to said premises in an obvious location, directing the occupant to contact the Department of Animal Control providing the address and telephone number of same on said notice.

- (6) To cause to be picked up and disposed of all dead animals found in or on any street or sidewalk, alley or other public place in the city.
- (7) To cause to be investigated all reports and complaints concerning any inhumane treatment or practices pertaining to animals within the city. To cause to be impounded at the department of animal control or suitable places designated by the department of animal control all animals found in conditions adverse to their health and safety. Such impoundment or placement shall be in accordance with the provisions of Article VIII, section 6-22.
- (8) To enter into contract with any municipalities or governmental units or any person, association or corporation for the collection, transportation, sheltering and disposal by said shelter for sick, diseased, injured, illegally at large, lost, strayed or abandoned animals provided that no such services be extended by said shelter outside the city, except under written contract with the unit, person, association or corporation concerned and at a charge based upon the actual cost of such services, including overhead; provided that no such contract shall be effective except upon the approval of the city attorney or a duly designated associate, as to form and legality, the approval of the mayor, and the ratification by city council.
- (9) To employ all personnel necessary for the effecient performance of the duties required of said shelter.
- (10) To prepare and submit after review and comments of the animal control commission to city council through the city controller, an annual budget, for its financing of its operations and performance of its duties.
- (11) To submit to the mayor, and to the city council, no later than January 30 of each year, a report of its activities and operation for the prior year.
- (12) To establish reasonable fees to be charged to persons reclaiming and adopting animals, and to collect such fees, such fees to be adopted only after approval by director and submission to the mayor and city council for approval and adoption.
- (13) To provide that all dogs and/or cats released for adoption shall be spayed or neutered and provisions made for a program to monitor said spay/neuter plan.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

Read the first time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on 7-24-90, the 24th day of July, 1990, at 9:45 o'clock A.M., E.S.T.

DATED: 7-24-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, placed on its passage. PASSED 1st by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY				<u>2</u>
LONG				<u>✓</u>
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 8-17-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 9-17-90 on the 17th day of August, 1990,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

Charles S. Redd SEAL
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 16th day of August, 1990, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of August, 1990, at the hour of 9:45 o'clock A.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. G-90-07-39

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE ANIMAL CONTROL

SYNOPSIS OF ORDINANCE _____

1.) Expands duties of animal control director to include

pursuit of animals onto private property, provided such

pursuit does not involve entry into structures.

2.) Recodifies all existing duties.

G-90-07-39

EFFECT OF PASSAGE Establishes authority of animal control officer to be

on private property in pursuit of animals.

EFFECT OF NON-PASSAGE Uncertainty as to authority of animal control

officer to enter private property will continue

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) none

ASSIGNED TO COMMITTEE (PRESIDENT) _____